



June 2, 2026

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Adrienne Thomas, NOAA PRA Officer  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Springs, MD 20910

*RE: Comments on NOAA-NMFS-2026-0364  
Advanced Notice of Proposed Rulemaking to Amend the Vessel Strike Reduction Rule*

Dear Ms. Thomas:

Thank you for the opportunity to respond to and comment on the National Marine Fisheries Service (NMFS) Advance Notice of Proposed Rulemaking to amend the North Atlantic Right Whale Vessel Strike Reduction Rule (Docket No: 260227-0058). Please accept this letter on behalf of the more than 1,500 members and Board of Directors of One Hundred Miles (OHM), a 501(c) nonprofit organization dedicated to protecting Georgia's 100-mile coast through advocacy, education, and community engagement.

OHM strongly opposes NMFS's stated intent in the Federal Register to pursue "a possible deregulatory action to modify and modernize the North Atlantic Right Whale Vessel Speed Rule."<sup>1</sup> **Given the dire condition of the North Atlantic right whale population, the NMFS must not consider deregulation.** Instead, any near-future rulemaking should strengthen the 2008 vessel speed reduction rule if we are to prevent the North Atlantic Right Whale (NARW) from extinction.

The NARW is a beloved species in Georgia. From November to April, the warm, shallow waters of our Southeastern coast serve as the right whale's only known calving ground in the world. Each winter, Georgians await the return of 'our' whales and celebrate the reports of newborn calves. With an estimated 380 individuals remaining, including only about 70 reproductively active females, this species faces extinction within our lifetime.

There have now been 43 documented right whale deaths and 40 documented serious (i.e., likely fatal) injuries in the Unusual Mortality Event (UME) that began in 2017. Among those deaths are a reproductive female, a juvenile female, and two newborn calves killed or seriously injured by

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<sup>1</sup> Federal Register/Vol. 91, No. 42 Wednesday, March 4, 2026/Proposed Rule.  
<https://www.federalregister.gov/documents/2026/03/04/2026-04260/advance-notice-of-proposed-rulemaking-to-amend-the-north-atlantic-right-whale-vessel-strike>

vessel strikes in waters off the coast of the Southeastern United States during the 2024 calving season. Notably, the very first documented calf of that season was fatally injured by a vessel strike mere weeks after birth. Biologists and survey teams intensively monitored the injured calf and her mother off the Georgia for weeks before the calf stranded dead on Cumberland Island in February 2024.<sup>2</sup>

### **NMFS Must Strengthen the 2008 Vessel Speed Reduction Rule, Not Deregulate.**

Considering NMFS' stated intent to deregulate vessel speeds, OHM emphasizes the proven success of the 2008 vessel speed rule. Data from the National Oceanic and Atmospheric Administration (NOAA) and Georgia Department of Natural Resources (DNR) show that following implementation of the 2008 rule, deaths of right whales caused by large vessels over 65 feet declined, while mortality from smaller vessels did not.

The vessel speed rule is firmly grounded in science and has effectively reduced fatal vessel strikes for nearly two decades with minimal to no impacts on industry. Research shows the 10 knot speed restriction reduces the risk of lethal strikes by up to 90 percent. While emerging technologies may someday be developed that can supplement these protections, no current alternatives match the effectiveness of speed restrictions.

OHM urges NMFS to continue to enforce and work to strengthen the 2008 rule by:

- Investing in and researching the effectiveness of technology as a future supplement to the regulations mandating strict vessel speed reductions in areas where NARWs are found;
- Broadening the boundaries and timing of Seasonal Speed Zones along the East Coast based on the best available science about right whale/vessel traffic overlap;
- Expanding mandatory seasonal speed restrictions of 10 knots or less to vessels 35–65 feet in length; and
- Creating a mandatory Dynamic Speed Zone when NARWs are detected outside designated Seasonal Speed Zones.

### **Topical Considerations for Vessel Speed Reduction Rule**

Please accept the following information categorized as requested in the Federal Register.

- Effectiveness of Technologies to Reduce Vessel Strikes with Whales

OHM supports investment and research into emerging technologies to detect and alert boaters to the presence of whales, but technological advances alone must NOT be the only method of protection offered to the critically endangered NARW. Put simply, these technologies are not ready; none are as effective as the 10-knot speed restriction, which is the widely accepted measure for marine mammal conservation, nor could any be considered a viable substitute for speed restrictions in reducing vessel strike mortality. As we continue to

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<sup>2</sup> <http://us.whales.org/2024/02/15/critically-endangered-north-atlantic-right-whale-found-dead-off-georgias-coast/>

research their effectiveness and enforcement/compliance, technologies must only be applied as a complement to strict enforceable speed reduction requirements, dynamic speed management areas, and extensive education/outreach efforts.

A report published by Kirsch et al in 2025, and supported by the Georgia DNR Wildlife Resources Division (WRD) revealed three available methods are considered effective at detecting the presence of whales and other large marine mammals.<sup>3</sup> The methods that are operational and possible to be employed in the Southeastern U.S include: 1) a crewed aerial surveys, 2) passive acoustic monitoring, and 3) thermal/infrared imaging. While valuable, these methods all have significant limitations. Even if these were perfect methods of detection, **there is no tested method to communicate with mariners and no evidence yet that mariners will view or respond to messages.** Notably, current technologies focus on whale detection and not actual strike avoidance. Technology alone cannot be considered adequate measures for protecting NARWs.

- Vessel-Size-Specific Risk Assessment

OHM strongly urges NMFS to continue with mandatory vessel speed reductions for vessels larger than 65 feet, and to include vessels greater than 35 feet in an updated rule. As you are aware, in February 2021, a right whale calf and mother injured off St. Augustine, Florida in were hit by a 54-ft fishing vessel traveling at a speed of 22 knots.<sup>4</sup> While this incident is tragic, it reinforces the safety concerns for boaters and passengers. The 54-foot vessel sustained significant damage, taking on water and losing power upon impact and ultimately requiring rescue by the U.S. Coast Guard, demonstrating that **small vessels striking NARWs pose a significant risk to property and human safety.**<sup>5</sup> Slowing vessels shorter than 65 feet would not only reduce the likelihood of collision, but would also reduce the lethality of vessel interactions that do occur. Between 1999 and 2012, 61 percent of vessel strike injuries for which vessel size could be determined involved vessels shorter than 65 feet.<sup>6</sup>

- Alternative Management Areas

As directed under the Endangered Species Act (ESA), the Southeastern calving grounds are designated federal critical habitat under the ESA.<sup>7</sup> In addition to the species' critical habitat designation, NMFS scientists have also designated a Biologically Important Area for the

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<sup>3</sup> Kirsch, Casey Corrado, T. Weber, M. Adams. "Technology Readiness Levels (TRL) for North Atlantic Right Whale Detection and Vessel Strike Risk Reduction" MITRE Technical Report MTR250363. November 2025. <https://www.fisheries.noaa.gov/s3/2026-02/Vessel-Strike-Risk-Reduction-TRLReport.pdf>

<sup>4</sup> Alison Farrell, *FWC documents shed new light on a boat strike that killed a right whale calf*, FLA. NEWS TIMES (Mar. 12, 2021), <https://floridanewstimes.com/fwc-documents-shed-new-light-on-a-boat-strike-that-killed-a-right-whale-calf/174164/>.

<sup>5</sup> *Id.*

<sup>6</sup> Amy R. Knowlton & Alexander M. Costidis, A review of vessel strike wounding in North Atlantic right whales to assess frequency, wound and vessel dimensions, and lethal and sub-lethal impacts (Presentation to the North Atlantic Right Whale Consortium Meeting, Nov. 5-6, 2014). This is likely an underestimate as small vessel collisions with whales often go underreported. Alex N. Hill et al., *Vessel collision injuries on live humpback whales, *Megaptera novaeangliae*, in the southern Gulf of Maine*, MARINE MAMMAL SCI. (Mar. 22, 2017).

<sup>7</sup> Endangered and Threatened Species; Critical Habitat for Endangered North Atlantic Right Whale, 81 Fed. Reg. 4,837 (Feb. 26, 2016).

species' calving grounds that extends from Cape Lookout, North Carolina to central Florida.<sup>8</sup> This Biologically Important Area recognizing the seasonal importance of the Southeastern U.S. for calving and reproduction.

**OHM recommends that dynamic speed areas be established and enforced in the Southeastern U.S. during calving season.** Mandatory speed restrictions should be triggered with the presence of two animals. Females and calves are particularly vulnerable to vessel strikes, especially in the Southeastern U.S., as tragically demonstrated by the deaths of three calves and one mother in the past three years. NMFS statistics demonstrate that mother/calf pairs are at high risk of vessel strike because they frequently rest and nurse in nearshore habitats at or near the water surface, particularly in the Southeastern calving area.<sup>9</sup> And because NARWs nurse their calves for up to a year, mother/calf pairs are at increased risk of vessel interactions throughout their migratory path.

- Safety Deviation Provision Improvements

Before amending the rule's safety deviation provisions, OHM recommends that NOAA and NMFS facilitate an independent party analysis to determine how much and when the 2008 Speed Rule Safety Deviation Provision was used. The analysis should include spatial, temporal, and environmental circumstances in which harbor pilots or vessel captain employed the deviation provision. Such an analysis is necessary to improve mariner safety and communications and to discourage mariners from operating in high-risk situations.

- Efficacy of the Speed Rule

Scientists have discovered that only about one third of right whale deaths are ever documented.<sup>10</sup> Deadly vessel collisions occur because the whales' habitat and migration routes are close to Atlantic ports and harbors. The faster a vessel is traveling when it hits a large whale, the higher the likelihood that whale will suffer serious injury or death. Seasonal speed restrictions, when imposed in areas of high right whale/vessel traffic overlap, substantially reduce the risk of such strikes, which also pose significant safety risks for humans, especially in smaller vessels.

OHM strongly supports the continued implementation and enforcement of the current speed reduction rule as it applies to vessels 65 feet in length. We also continue to support a speed reduction rule to apply to vessels 35 feet and more. We urge the NMFS to continue to explore ways to address ongoing enforcement challenges with the current speed regulations, and in particular work with large and small vessel operators to ensure all boaters are aware of the danger high vessel speed can cause to both NARW and humans.

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<sup>8</sup> Erin LaBrecque et al., *Biologically Important Areas for cetaceans within U.S. waters—East coast region*, AQUATIC MAMMALS (Mar. 2015).

<sup>9</sup> Dana A. Cusano et al., *Implementing conservation measures for the North Atlantic right whale: Considering the behavioral ontogeny of mother-calf pairs*, ANIMAL CONSERVATION (Oct. 19, 2018). See also Proposed Rule at 46,922-23 ("The proportion of known vessel strike events involving females, calves, and juveniles is higher than their representation in the population.")

<sup>10</sup> <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2026-north-atlantic-right-whale-unusual-mortality-event>

- Economic Impacts on Industry

The Federal Register implies that a major economic downturn will occur if the vessel speed reduction rule is continued or strengthened. Some of Georgia's elected officials have also shared such misinformation.<sup>11</sup> Yet this assertion is not borne out by data. To counter this argument, we refer to the NMFS Vessel Speed Rule Assessment conducted in 2020. This study evaluated the effectiveness of the speed rule at reducing the incidence of NARW mortality and serious injury due to vessel strikes and identifying areas for improvement. The vessel speed rule assessment found that, overall, the speed rule has made progress in reducing right whale vessel strike risk ***without compromising navigational safety or economic activity.***<sup>12</sup>

Evidence from the Georgia Ports Authority also demonstrates that the vessel speed reduction rule has had little to no impact on port activity or safety in Georgia. 2025 was declared the second busiest year ever for the Port of Savannah, increasing cargo by 2.6 percent from 2024, and second only to 2022.<sup>13</sup>

- Outreach

NMFS must expand education/public awareness programs to ensure that commercial and recreational vessel operators are aware of the impact vessel speeds have on NARWs and the importance of complying with appropriate speed reduction rules. NMFS should develop working relationships with key nongovernmental organizations, so that every feasible effort can be made to educate vessel operators and boaters about the rule, safe distances, and maneuvering relative to whales. Efforts should also be made to educate recreational vessel operators about approach regulations and guidelines.

Trained naturalists should accompany each commercial whale watch trip and programs should be established to train naturalists. Conservation messages should be an essential component of information provided to whale watchers by naturalists and whale watch boat operators. Information about NARWs and relevant protective measures should also be conveyed to people who, for reasons other than whale watching, visit the coast and venture out the Atlantic Ocean. In some areas, the National Park Service and National Marine Sanctuary Program interpretive staff could provide valuable assistance in this regard.

**OHM also recommends an addendum to the NARW Recovery Plan<sup>14</sup> to expand recovery efforts beyond regulations.** This addendum could be developed by a third party, possibly the Marine Mammal Commission or the National Academy of Sciences. This recovery plan addendum could outline specific actions that designated organizations will take to educate boaters on NARWs and the vessel speed reduction rule. Additionally, the addendum could describe the role each East Coast state law enforcement agency is able and willing to play in

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<sup>11</sup> [https://thebrunswicknews.com/news/local\\_news/ports-leaders-fear-impact-of-whale-strike-measure/article\\_5b607c48-5a7e-51ff-b955-bf2421000cbd.html](https://thebrunswicknews.com/news/local_news/ports-leaders-fear-impact-of-whale-strike-measure/article_5b607c48-5a7e-51ff-b955-bf2421000cbd.html)

<sup>12</sup> NMFS, NORTH ATLANTIC RIGHT WHALE (*EUBALAENA GLACIALIS*) VESSEL SPEED RULE ASSESSMENT (June 2020), available at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>

<sup>13</sup> <https://gaports.com/press-releases/port-of-savannah-achieves-second-busiest-year-ever/>

<sup>14</sup> <https://www.fisheries.noaa.gov/resource/document/recovery-plan-north-atlantic-right-whale-eubalaena-glacialis>

partnership with the U.S. Coast Guard or other federal agencies responsible for upholding the rules.

Right whales have no more time to wait. With the shocking number of NARWs killed by vessel strikes, we cannot afford to abandon these scientifically proven, highly effective protections. For nearly 20 years, the vessel speed reduction rule has been safe and effective for North Atlantic right whales and mariners alike. In this critical moment, this proven measure must not be replaced by untested and incomplete technology.

Thank you for your consideration.

Sincerely,



Megan Desrosiers  
President/CEO  
One Hundred Miles  
[OneHundredMiles.org](http://OneHundredMiles.org)

cc: Senator Jon Ossoff  
Senator Raphael Warnock  
Congressman Buddy Carter